

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**IN THE MATTER OF  
KENT A. ROWALD**

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**NO. 5:11-MC-2**

**ORDER**

This disciplinary matter arises out of an August 5, 2011 Memorandum Opinion and Order entered by Judge T. John Ward in *FURminator, Inc. v. PetVac Group, LLC*, Civil Action No. 2:08-CV-338, Dkt. No. 73. Judge Ward found that an e-mail attached as an exhibit to a brief filed by the defendant's attorney, Kent A. Rowald, was "fraudulent." *Id.* at 10. Judge Ward brought this to the undersigned's attention while the undersigned was serving as chief judge of the district. Pursuant to Local Rule AT-2(d)(2)(A), the undersigned polled the judges of the district and then entered a Show Cause Order to Mr. Rowald on September 2, 2011.<sup>1</sup> Dkt. No. 1.

Mr. Rowald filed a response. Dkt. No. 5. The Court held a hearing on November 10, 2011. 11/10/2011 Minute Entry, Dkt. No. 9. Mr. Rowald then filed a supplemental response with the Court's permission. Dkt. No. 10. Pursuant to Federal Rule of Evidence 706, the Court

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<sup>1</sup> The Court's September 2, 2011 Show Cause Order cited Texas Disciplinary Rule of Professional Conduct Rule 8.02, which applies to statements made regarding "the qualifications or integrity of a judge." Dkt. No. 1 at 4. The proper citation is to Texas Disciplinary Rule of Professional Conduct Rule 8.04 regarding lawyer misconduct, including "conduct involving dishonesty, fraud, deceit or misrepresentation." The Court's citation of Local Rule AT-2(d)(1)(C), as well as the detailed narrative of the conduct that formed the basis for the Show Cause Order, have adequately put Mr. Rowald on notice of the conduct at issue. *See* Dkt. No. 1. Also, the Court noted the proper citation in a footnote to its October 25, 2011 Order setting the November 10, 2011 hearing. Dkt. No. 7.

appointed an expert to opine on whether the e-mail at issue was authentic or was fabricated or fraudulent. 12/27/2011 Order, Dkt. No. 11 at 3. The expert prepared a written report (*see* Dkt. No. 17, filed under seal) and provided a copy to Mr. Rowald, and the Court held another hearing on February 22, 2012, during which the expert testified and was subject to examination by the Court and cross-examination by Mr. Rowald. 2/22/2012 Minute Entry, Dkt. No. 15.

The Court has recently received a letter from Mr. Rowald agreeing to voluntarily withdraw his bar membership in the Eastern District of Texas for a period of two years, subject to his motion to withdraw in the *FURminator* case, Civil Action No. 2:08-CV-338. *FURminator* is the only open case in this district in which Mr. Rowald is currently counsel of record.

Having satisfied the procedural requirements of Local Rule AT-2(d)(2)(A), the Court now “enter[s] an appropriate order” as follows:

In light of Mr. Rowald’s voluntary withdrawal of his bar membership in the Eastern District of Texas, the above-captioned disciplinary matter is hereby **DISMISSED AS MOOT**.

The Court nonetheless hereby **ORDERS** Mr. Rowald to provide a copy of this Order, together with a copy of Judge Ward’s August 5, 2011 opinion in the *FURminator* case (Civil Action No. 2:08-CV-338, Dkt. No. 73), to The Office of Chief Disciplinary Counsel, P.O. Box 13287, Austin TX, 78711. The Court hereby **ORDERS** Mr. Rowald to comply with this paragraph—and to file in the above-captioned matter a Notice of Compliance stating his compliance with this paragraph—no later than **March 29, 2012**. The Court hereby orders that the Clerk’s Office permit Mr. Rowald to file this Notice of Compliance even though the present order closes the above-captioned matter.

Finally, the Court hereby **ORDERS** that if and when Mr. Rowald reapplies for bar

membership in the Eastern District of Texas in the future, Mr. Rowald must bring to the attention of the chief judge of the district both this Order and Judge Ward's above-cited August 5, 2011 opinion in the *FURminator* case.

**IT IS SO ORDERED.**

**SIGNED this 16th day of March, 2012.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE